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Douglas Deeds

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/714,504
Filing Date: November 13, 2003
Appellant(s): DEEDS, DOUGLAS

Stephen L. Sheldon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/19/08 appealing from the Office action mailed 4/19/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2005/0114796	Bast	5-2005
US 6,288,702	Tachlbana	9-2001
US 7,064,858	Iwai	6-2006

US 7,139,983

Kelts

11-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7, 12-15, 17-22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bast US Publication No 2005/0114796 in view of Tachibana US Patent 6,288,702.

As per claim 1 Bast teaches in a portable communication device operable in a communication system, an improvement of a user interface apparatus for facilitating viewing display indicia there at by a visually-impaired user said user interface apparatus comprising:

receiving circuitry configured to receive the display indicia in a wireless manner;
(paragraph 0051; It is inherent for this cell phone to have receiving circuitry because this cell phone can receive SMS messages)

Bast allows user to zoom in on the text message. (paragraphs 0047- 0048).

However Bast fail to teaches a display screen having a first screen portion and at least a second screen portion, the first screen portion for selectably displaying a first selected part of the display indicia at a first display-indicia size and the second screen portion for selectably displaying a first selected portion of the first selected part of the display indicia at a second display-indicia size; and

a user display screen manager adapted to receive indications of the display indicia to be visually displayed, said user display screen manager for selecting which part of the display indicia to comprise the first selected part displayed at the first screen portion of said display screen and which portion of the first selected part of the display indicia to comprise the first selected portion displayed at the second screen portion and to manage display of the first selected part and first selected portion, respectively, at respective ones of the first and second screen portions of said screen display, wherein the user display screen manager is adapted to sequentially display portions of the part of the received display indicia visually displayed in the first screen portion of the display in the second screen portion of the display.

Tachibana teaches a display screen having a first screen portion and at least a second screen portion, (see Tachibana; figure 2, items 37-38) the first screen portion for selectably displaying a first selected part of the display indicia at a first display-indicia size (see Tachibana; figure 6, items 37, column 5, lines 30-60) and the second screen portion for selectably displaying a first selected portion of the first selected part of the display indicia at a second display-indicia size; (see Tachibana, figure 6, item 38; column 5, lines 30-60) and

a user display screen manager adapted to receive indications of the display indicia to be visually displayed, said user display screen manager for selecting which part of the display

indicia to comprise the first selected part displayed at the first screen portion of said display screen and which portion of the first selected part of the display indicia to comprise the first selected portion displayed at the second screen portion and to manage display of the first selected part and first selected portion, (see Tachibana, column 5, lines 40-45) respectively, at respective ones of the first and second screen portions of said screen display, wherein the user display screen manager is adapted to sequentially display portions of the part of the received display indicia visually displayed in the first screen portion of the display in the second screen portion of the display. (see Tachibana, column 5, lines 50-60)

It would have been obvious to an artisan at the time of the invention to include Tachibana's teaching with method of Bast in order to provide user with a more efficient display system. (see Tachibana, column 1, lines 50-60)

As per claim 2, Bast and Tachibana teach the apparatus of claim 1. Tachibana further teaches wherein the display indicia of which the first selected portion thereof and the second selected portion thereof are selectably displayed on said display screen comprises text data. (see Tachibana, figure 6, items 37 and 38)

As per claim 3, Bast and Tachibana teach the apparatus of claim 2. Tachibana further teaches wherein the first selected portion of the display indicia, when displayed at the first screen portion of said display screen is displayed at a first font size and wherein the second selected portion of the display indicia, when displayed at the second screen portion of said display screen, is displayed at a second font size wherein the first font size is smaller than the second font size.

(see Tachibana, figure 6, items 37 and 38)

As per claim 4, Bast and Tachibana teach the apparatus of claim 3. Tachibana further teaches said user display screen manager is adapted to provide a visual indication of the portion of the first part that is being displayed in the second portion of the display in the first portion of the display. (see Tachibana, figure 6, item 39)

As per claim 7, Bast and Tachibana teach the apparatus of claim 2. Tachibana further teaches wherein the text data comprises a sequence of textual characters that comprises at least two words and wherein said user display screen manager is adapted to display less than all of the at least two words in the second portion of the display. (see Tachibana, figure 6, items 37-39)

As per claim 12, Bast and Tachibana teach the apparatus of claim 1. Tachibana further teaches wherein said user display screen manager is adapted to successively reselect at successive selection intervals additional selected parts of the display indicia to be displayed in the first screen portion and selected portions of the additional selected part in the first screen portion to be displayed in the second screen portion. (see Tachibana, figure 6, items 37-39)

As per claim 13, Bast and Tachibana teach the apparatus of claim 1. Tachibana further teaches wherein the display indicia comprises a sequence of display indicia, and wherein selections made by said user display screen manager at the successive selection intervals to be displayed at the first screen portion are of successively adjacent display characters, thereby to create a scrolling effect. (see Tachibana, column 5, lines 40-45; Use of cursor key creates a scrolling effect)

As per claim 14, Bast and Tachibana teach the apparatus of claim 12. Tachibana further teaches wherein the user interface further comprises a user actuator actuable by a user, and wherein said user display screen manager is configured to be responsive to the actuation of the user actuator so that subsequent portions of the display indicia are displayed in response to use actuation of the user actuator. (see Tachibana, column 5, lines 40-45)

As per claim 15, Bast and Tachibana teach the apparatus of claim 1. Tachibana further teaches wherein said display screen comprises a color screen and wherein the first portion of the first part is displayed in a common color at both the first screen portion and at the second screen portion of said display screen. (see Tachibana, figure 6, items 37 and 38; Texts in both portions are black)

As per claim 17, Bast teaches a method for facilitating viewing of display indicia at a user interface of a portable communication device, said method comprising:

receiving a message including display indicia; (paragraph 0051; It is inherent for this cell phone to have receiving circuitry because this cell phone can receive SMS messages)

Bast allows user to zoom in on the text message. (paragraphs 0047- 0048)

Bast fails to teaches

selecting a first part of the display indicia to be displayed at a first screen portion of a display screen;

selecting a first portion of the first part of the display indicia to be displayed at a second screen portion of the display screen;

displaying the first part of the display indicia at the first screen portion of the display screen, such that when displayed thereat, the first part of the display indicia is of a first size;

displaying the first portion of the first part of the display indicia at the second screen portion of the display screen, such that, when displayed thereat, the first portion of the display indicia is of a second size larger than the first size;

selecting a second portion of the first part of the display indicia to be displayed in the second screen portion; and

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displaying the second portion of the first part at the second screen portion in the second size.

Tachibana teaches

selecting a first part of the display indicia to be displayed at a first screen portion of a display screen; (see Tachibana; figure 2, item 37)

selecting a first portion of the first part of the display indicia to be displayed at a second screen portion of the display screen; (see Tachibana; figure 2, items 37-38)

displaying the first part of the display indicia at the first screen portion of the display screen, such that when displayed thereat, the first part of the display indicia is of a first size; (see Tachibana; figure 6, items 37, column 5, lines 30-60)

displaying the first portion of the first part of the display indicia at the second screen portion of the display screen, such that, when displayed thereat, the first portion of the display indicia is of a second size larger than the first size; (see Tachibana, column 5, lines 40-45)

selecting a second portion of the first part of the display indicia to be displayed in the second screen portion; (see Tachibana, figure 6, item 38; column 5, lines 30-60) and

displaying the second portion of the first part at the second screen portion in the second size. (see Tachibana, column 5, lines 40-45)

It would have been obvious to an artisan at the time of the invention to include Tachibana's teaching with method of Bast in order to provide user with a more efficient display system. (see Tachibana, column 1, lines 50-60)

As per claim 18, Bast and Tachibana teach the method of claim 17. Tachibana teaches wherein the second size at which the second part of the display indicia is displayed is larger than the first size at which the first part of the display indicia is displayed. (see Tachibana, figure 6, item 38; column 5, lines 30-60)

As per claim 19, Bast and Tachibana teach the method of claim 17. Tachibana teaches wherein the displaying of the first portion and second portion in the second screen portion includes providing an indication, in human perceptible form, in the first screen portion of which portion is being displayed, whereby a user can perceive the relationship between the portion being displayed in the second screen portion and the first part being displayed in the first screen portion. (see Tachibana, figure 6, item 39)

As per claim 20, Bast and Tachibana teaches the method of claim 17. Tachibana further wherein said operation of displaying the first part in the first screen portion and displaying the second portion in the second screen portion are performed concurrently. (see Tachibana; figure 6, items 37, column 5, lines 30-60)

As per claim 21, Bast teaches a method, comprising:

receiving a text message, the text message comprising a plurality of characters; (paragraph 0051; It is inherent for this cell phone to have receiving circuitry because this cell phone can receive SMS messages)

Bast allows user to zoom in on the text message. (paragraphs 0047- 0048)

Bast fails to teach

displaying a first part of the text message in a first screen area of a display, the text message being displayed at a first size; and

sequentially displaying in a second screen area of the display the plurality of characters of the text message in the first part, the characters being displayed at a second size that is larger than the first size.

Tachibana teaches

displaying a first part of the text message in a first screen area of a display, the text message being displayed at a first size; (see Tachibana; figure 6, items 37, column 5, lines 30-60) and

sequentially displaying in a second screen area of the display the plurality of characters of the text message in the first part, the characters being displayed at a second size that is larger than the first size. (see Tachibana, figure 6, item 38; column 5, lines 30-60)

It would have been obvious to an artisan at the time of the invention to include Tachibana's teaching with method of Bast in order to provide user with a more efficient display system. (see Tachibana, column 1, lines 50-60)

As per claim 22, Bast and Tachibana teach the method of claim 21. Tachibana further teaches comprising:

providing an indication in the text message being displayed in the first screen area of the character being display in the second screen area. (see Tachibana, figure 6, item 38; column 5, lines 30-60)

As per claim 24, Bast and Tachibana teach the method of claim 22. Tachibana further teaches wherein the type of indication provided in the first screen area changes depending on the location of the character in the text message. (see Tachibana, figure 6, item 39)

As per claim 25, Bast and Tachibana teach the method of claim 21. Bast further teaches the receiving of the text message comprises receiving a wireless signal including modulated data corresponding to the text message. (paragraph 0051; It is inherent for this cell phone can receiving wireless signal circuitry because this cell phone can receive SMS messages)

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bast US Publication No 2005/0114796 in view of Tachibana US Patent 6,288,702 further in view of Iwai US Patent 7,064,858.

As per claim 8, Bast and Tachibana teaches the method of claim 1. However, they fail to teach wherein the display indicia of which the first selected portion thereof and the second selected portion thereof are selectably displayed on said display screen comprises non-textual icons.

Iwai teaches the display indicia of which the first selected portion thereof and the second selected portion thereof are selectably displayed on said display screen comprises non-textual icons. (column 13, lines 20-column 14, lines 5)

It would have been obvious to an artisan at the time of the invention to include Iwai's teaching with method of Bast and Tachibana in order to allow users to view the two portions at the same time.

As per claim 10, Bast, Tachibana and Iwai teach the method of claim 9. Tachibana further teaches the non-textual icons are displayed in a smaller size in the first portion of the display than the second point of the display. (see Tachibana, figure 6, item 38; column 5, lines 30-60)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bast US Publication No 2005/0114796 in view of Tachibana US Patent 6,288,702 in view of Kelt US Patent 7,139,983.

As per claim 23, Bast and Tachibana teaches the method of claim 22. They fail to teach the indication in the first screen area is selected from the list consisting of a change of the color of the character and a change in a font style of the character.

Kelts teaches differentiate characters by colors and fonts. (see Kelts column 14, lines 1-3)

It would have been obvious to an artisan at the time of the invention to include Kelts's teaching with method of Bast and Tachibana in order to allow users with visually distinguishable features.

(10) Response to Argument

Appellant's argument focused on the following:

A) Whether there is no motivation to combine Bast and Tachibana?

A) Tachibana provides sufficient motivation to combine its teaching with Bast and that is to provide an enlargement display control method which can enlarge/display desired contents and automatically place the enlargement display area at the position desired to a user without requiring the user to set or re-set the enlargement display area on the display screen. (see Tachibana, col. 1, lines 65-col. 2, lines 5) Tachibana is correct the precise problem in Bast, which required user to user to set and re-set the enlargement display area on the display screen. (see Bast; Paragraph 0046-0049)

The Supreme Court Stated that the Federal Circuit had erred when it applied the well-known teaching-suggestion-motivation (TSM) test in an overly rigid and formalistic way.

Specifically, as the Supreme Court pointed out, the Federal Circuit had erred in four ways:

- (1) "by holding that courts and Patent examiners should look only to the problem the patentee was trying to solve;"
- (2) by assuming "that a person of ordinary skill attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem;"
- (3) by concluding "that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try;'" and
- (4) by overemphasizing "the risk of court and patent examiners falling prey to hindsight bias" and as a result applying "rigid preventative rules that deny fact finders recourse to common sense." KSR, 82 USPQ2d at 1397.

In the present case, the combination of Bast and Tachibana is obvious to one of ordinary skilled in the art because it would provide an enlargement display control method which can enlarge/display desired contents and automatically place the enlargement display area at the position desired to a user without requiring the user to set or re-set the enlargement display area on the display screen..

B) Whether the combination of Bast and Tachibana teaches "wherein the user display screen manager is adapted to sequentially display portions of the part of the receiving display indicia visual display in the first screen portion of the display in the second screen portion of the display?"

B) Tachibana teaches "wherein the user display screen manager is adapted to sequentially display portions of the part of the receiving display indicia visual display in the first screen portion of the display in the second screen portion of the display," because Tachibana allows users to select a portion of the first screen portion (see Tachibana, col. 7, lines 10-25 figure 10A

items 39 and 40) and the selected portion is displayed sequentially on the second portion of the display. (see Tachibana, col. 7, lines 40-55; The selected character in the first portions are displayed in the same sequence as in the second portion of the display)

C) Whether the combination of Bast and Tachibana teaches “selecting a second portion of the first part of the display indicia to be displayed in the second screen portion?”

C) Tachibana teaches “selecting a second portion of the first part of the display indicia to be displayed in the second screen portion,” because Tachibana allows users to select any part of the first screen portion at anytime (see Tachibana, col. 7, lines 10-25 figure 10A items 39 and 40) and the selected portion is displayed sequentially on the second portion of the display. (see Tachibana, col. 7, lines 40-55; The selected character in the first portions are displayed in the same sequence as in the second portion of the display) Therefore, in Tachibana's system, a user can select not just the second portion of the first part but she/ he can select the third, fourth or any portion of the first part. (see Tachibana, col. 7, lines 10-25 figure 10A items 39 and 40)

D) Whether the combination of Bast and Tachibana teaches “sequentially displaying in a second screen are of the display the plurality of characters of the text message in the first part, the character being displayed at a second size that is larger than the first size?”

D) Tachibana teaches “sequentially displaying in a second screen are of the display the plurality of characters of the text message in the first part, the character being displayed at a second size that is larger than the first size,” because Tachibana allows users to select any part of the first screen portion at anytime (see Tachibana, col. 7, lines 10-25 figure 10A items 39 and 40) and the

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selected portion is displayed in an enlarged size in the second portion of the display. (see Tachibana, col. 7, lines 40-55; The selected character in the first portions are displayed in the same sequence as in the second portion of the display)

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peng Ke

/Peng Ke/

Examiner, Art Unit 2174

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/David A Wiley/
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